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OFFICE OF PETITIONS

In re Application of :
Michael Brauss :
Application No. 10/776,877 : DECISION ON PETITION
Filed: 11 February, 2004 :
For: REMOVABLE FILTER HOLDER :
AND METHOD :

This is a decision on the petition filed on 21 September, 2006, under 37 CFR 1.137(b),¹ to revive the above-identified application.

The petition is GRANTED.

The application became abandoned on 14 July, 2006, for failure to timely submit the issue and publication fees in response to the

¹ Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continuing examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application, abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and


(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

Notice of Allowance and Fee(s) Due mailed on 13 April, 2006, which set a three (3) month statutory period for reply. A fee(s) transmittal form was filed on 17 July, 2006 (certificate of mailing date 13 July, 2006), containing authorization to charge the issue and publication fees to counsel's deposit account, but the deposit account contained insufficient funds to charge the fees, so the application became abandoned. Notice of Abandonment was mailed on 17 August, 2006.

The issue and publication fees have been received.

The application is forwarded to the Technology Center for treatment of the amendment under 37 CFR 1.312 filed on 12 July, 2006.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions